

compassion for family members in the process. But, the Special Master's view, expressed in the introduction to his Final Report, that "the Fund was an unqualified success" is not shared by many who participated in the Fund and most of those who did not. The options available to the victims and families of September 11 were substantially impaired by the Victim Compensation Act and subsequent legislation. Lawsuits were confined to a narrow population of potentially responsible parties whose liability exposure was limited to available and inadequate insurance (e.g., the airlines). Evidence for use in litigation was sure to be (has been) compromised by government intervention (e.g., assertions of national security and criminal prosecution grounds for non-disclosure). Families were, thus, faced with a Hobson's choice and for most the Fund was the better one.

In December 2004, Families of September 11 conducted a Web-based survey of its members consisting of fourteen questions and an opportunity to make narrative comments designed to elicit information that might be helpful in assessing whether there should be a compensation mechanism in place before another terrorist attack occurs. One hundred forty-four (144) members responded. Though not designed to conform with scientifically reliable protocols, the results are of interest and are included in our Report.

Much of the Special Master's report is devoted to efforts made by him and his staff to assure that families could obtain detailed information about their likely recovery from the Fund and assist families in the process. Although our Report applauds him for these efforts, it points out that had there been pre-existing comprehensive legislation in place, the Special Master's extraordinary efforts to educate potential participants about and assist them with the Fund would not have been necessary and the enormous anxiety created by the uncertainties surrounding the Fund would have been avoided.

The regulations promulgated by the Department of Justice established "grid" awards with "extraordinary circumstances" thresholds of proof to overcome them and no review process. Claimants were accustomed to the very different and more substantial notions of "hearings" and "due process" embedded in our legal culture and were left disappointed and uncomfortable by the Fund design. Mr. Feinberg and his staff should, however, receive high marks for the way they played the cards dealt them.

The victims and their families were faced with enormous uncertainty in the weeks and months following September 11, 2001, during which the Department of Justice promulgated regulations and the Special Master developed claims handling procedures. It is this uncertainty that Families of September 11 believes must be eliminated by enactment of forward-looking legislation. The victims of future terrorist attacks will need to go on living, as have the victims of the September 11 attacks and should have the comfort of knowing immediately after a terrorist event occurs that they have rights to compensation sufficient to allow them to do so and a clear and certain path to obtaining those rights.

Issues of accountability and responsibility by those in the chain of causation linked to the injuries and deaths on September 11, 2001, and the suffering that followed are of great importance to the survivors of the attacks. The Fund, its enabling legislation, and related congressional and administrative actions had the effect of limiting that accountability and responsibility. Our Report expresses concern that this model tends to increase the risk of future terrorist attacks and needs to be reassessed and remedied.

The Special Master made determinations on 7,403 claims completing its work by the statutory deadline in June 2004. Congress now has the benefit of more than 11,000 comments made to the Justice Department during the rule-making process; the comments of the Special Master; the opinions of lawyers, economists, academics, mental health professionals, victims and survivors of the attacks; and the developing history of terrorism and its effects on our society. In its report, Families of September 11 encourages Congress and the Administration to:

a. Use the perspectives of time and experience in implementation of the Victim Compensation Fund to consider carefully issues it was forced to address hastily in the immediate aftermath of the terrorist attacks of September 11, 2001;

b. assess how well the rules adopted in 2002 to implement the legislation met Congressional intent;

c. consider the incentives and disincentives to reducing the risks of terrorist attacks implicit in the legislation; and

d. fashion legislation that will reduce those risks and ensure that victims of future terrorist attacks and their families are made whole.

Copies of the "Final Report of Families of September 11 on the September 11th Victim Compensation Fund of 2001" may be obtained by contacting Families of September 11 at the address below or by going to its website at www.familiesofseptember11.org.

Families of September 11, Inc., 1560 Broadway, Suite 305, New York, NY 10036, 212-575-1878.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A gay white male was severely beaten and sent to the hospital by two men in a Columbus gay bar. The victim and a friend noticed the men in the bar when they arrived. At the end of the evening the two males started calling the victim various derogatory names, and pushed him out of the bar. Once outside, the men continued to beat the victim, using liquor bottles. Since the beating, the victim has had his tires slashed and received a letter in his mailbox telling him to 'watch his back.' A police report was filed, but no arrests have been made.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

BREAKING THE CYCLE OF GUN VIOLENCE

Mr. LEVIN. Mr. President, I would like to bring the results of a recent

study on gun violence by a University of Michigan researcher to the attention of my colleagues. The study found that adolescents who are exposed to gun violence are more likely to carry out serious acts of violence.

The study, completed by University of Michigan doctoral student Jeffrey Bingenheimer, analyzed data from more than 1,500 adolescents. The participants underwent a series of interviews over the course of several years as part of the Project on Human Development in Chicago Neighborhoods. Among other things, initial interviews focused on exposure to firearm violence, including being shot or shot at or seeing someone else shot or shot at within the previous year. Subsequent interviews were designed to uncover whether the participant had engaged in violent acts themselves. These acts of violence were defined in the study as shooting at or shooting someone, being in a gang fight, attacking someone with a weapon, or carrying a hidden weapon. Reportedly, 23 percent of those interviewed reported being exposed to gun violence and 12 percent indicated that they had carried out violent acts themselves. Statistical analysis of the resulting data revealed that adolescents who were exposed to gun violence were more than twice as likely to carry out violent acts within the following two years.

Describing the results of his study, Mr. Bingenheimer stated, "The primary implication of these findings is that violence can be transmitted from person to person by means of exposure in the community. This makes the 'epidemic of violence' metaphor seem particularly apt, and is consistent with sociological theories of violent crime as a contagious social process."

While Congress cannot simply legislate an end to the gun violence epidemic, we can do more to support local law enforcement officials as they work to prevent gun violence in our communities. One important program, known as COPS, was created by President Clinton in 1994 to assist State and local law enforcement agencies in hiring additional police officers to reduce crime through the use of community policing. Nationwide, the COPS program has awarded more than \$11 billion in grants, resulting in the hiring of 118,000 additional police officers. Unfortunately, authorization for the COPS program was permitted to expire at the end of fiscal year 2000. Although the program has survived through continued annual appropriations, its funding has been significantly cut. I am a co-sponsor of the COPS Reauthorization Act which would continue the COPS program for another six years at a funding level of \$1.15 billion per year, nearly double the amount appropriated for fiscal year 2005. Among other things, this funding would allow State and local governments to hire an additional 50,000 police officers. Having more officers on our streets helps to